



JC04 Rec'd PCT/PTO 25 JUL 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Noboru HIRANO**

Group Art Unit: **2161**

Application No.: **10/524,756**

Examiner: **Unknown**

Filed: **February 11, 2005**

Confirmation No.: **6886**

For: **DATA COMMUNICATION TERMINAL UNIT**

Attorney Docket Number: **043176**

Customer Number: **38834**

**SUBMISSION OF PCT NOTIFICATION OF TRANSMITTAL OF COPIES
OF TRANSLATION OF IPER**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

July 25, 2005

Sir:

Submitted herewith is a copy of the PCT Notification of Transmittal of Copies of Translation of the International Preliminary Examination Report for the above-identified U.S. patent application.

If any additional fees are due in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


William F. Westerman

Attorney for Applicant

Registration No. 29,988

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

WFW/dlt

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

YAGI, Hidehito
Aoba International Patent Office
Daiichi-Okochi Bldg. 6F
1-10-6, Kaji-cho
Chiyoda-ku, Tokyo 101-0044
JAPON

Date of mailing (<i>day/month/year</i>) 06 May 2005 (06.05.2005)	
Applicant's or agent's file reference FP104PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP2002/011994	International filing date (<i>day/month/year</i>) 18 November 2002 (18.11.2002)
Applicant SES JAPAN CO., LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN, EP, KR, RU

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

ID, IN, PH, SG, US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 10

Translation

PATENT COOPERATION TREATY

PCT/JP2002/011994



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP104PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2002/011994	International filing date (day/month/year) 18 November 2002 (18.11.2002)	Priority date (day/month/year) 13 August 2002 (13.08.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/24, G06F 13/00, H04L 12/56, 29/02		
Applicant SES JAPAN CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 16 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16. and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 08 January 2004 (08.01.2004)	Date of completion of this report 06 August 2004 (06.08.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2002/011994

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished

☒ the description:

pages _____ 6 _____, as originally filed/furnished

pages* 1-5, 7-10 received by this Authority on 08 January 2004 (08.01.2004)

pages* _____ received by this Authority on _____

☒ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* 1-12 received by this Authority on 08 January 2004 (08.01.2004)

pages* _____ received by this Authority on _____

☒ the drawings:

pages _____ 1-9 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 02/11994

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 2001-94981 A (Toshiba Corp.), 6 April 2001, entire text, all drawings
- Document 2: JP 2000-332829 A (Nippon Telegraph and Telephone Corp.), 30 November 2000, entire text, all drawings
- Document 3: JP 2002-141937 A (NEC Corp.), 17 May 2002, paragraphs [0024]-[0054]
- Document 4: JP 2000-295272 A (Ricoh Co., Ltd.), 20 October 2000, entire text, all drawings
- Document 5: JP 6-284148 A (Hitachi, Ltd.), 7 October 1994, entire text, all drawings
- Document 6: JP 9-214936 A (Nippon Telegraph and Telephone Corp.), 15 August 1997, entire text, all drawings
- Document 7: JP 2001-36655 A (Fuji Photo Film Co., Ltd.), 9 February 2001, entire text, all drawings
- Document 8: JP 8-289270 A (Mitsubishi Electric Corp.), 1 November 1996, entire text, all drawings

(1) Claims 1 and 2, and 4 to 6

The invention described in claim 1 does not involve an inventive step in the light of documents 1 to 8.

Documents 1 to 7 disclose a feature wherein line status is determined according to a transmission-related

time (transmission time, reception time, or the like), and depending on the line status, at least one of the quality or quantity (frame rate, resolution, or the like) of data to be transmitted is modified.

A technical concept wherein adaptive control is performed according to a trend in transmission-related time is known in the art, as disclosed in document 3 (see especially paragraphs [0041] to [0051]).

Further, a technical concept wherein a specified amount of information is transmitted during initialization of transmission, and line status is determined according to the time required for that transmission is known in the art, as disclosed in document 8.

The decision as to whether processing related to the determination of line status shall be performed at the receiving end, at the transmitting end, or at both ends falls within the range of features fittingly determined at the discretion of a person skilled in the art. (For example, there may be cases wherein performing line status determination at the transmitting end is preferred in order to avoid a complicated configuration on the receiving end or to avoid the need to perform feedback on control data, or the like.)

Thus, a person skilled in the art could easily conceive of producing the invention described in claims 1 and 2 and 4 to 6 by applying the known technical concepts disclosed in documents 3 and 8 to the inventions disclosed in documents 1 to 7.

Meanwhile, see item (2) below for an explanation of the decision regarding those inventions set forth in claims 4 to 6 limited to those which refer to claim 3.

(2) Claim 3

The invention described in claim 1 does not involve an inventive step in the light of documents 1 to 8.

See item (1) above for an explanation of the decision regarding the features of claim 3 which are the same as, are shared with, or are similar to the features set forth in claims 1 and 2.

The use of transmission time and reception time is disclosed in document 2 (see paragraph [0008], for example).

Further, when evaluating the size of two given values x and y , evaluating the two values according to the difference therebetween ($x-y$ or $y-x$), and evaluating the two values according to the ratio of one to the other (x/y or y/x) are both standard practice in the art.

In the light of the above, determining line status according to a ratio of reception time to transmission time, as described in claim 3, falls within the range of features fittingly determined at the discretion of a person skilled in the art.

(3) Claims 7 to 12

The invention described in claim 1 does not involve an inventive step in the light of documents 1 to 8.

See item (1) above for an explanation of the decision regarding the features of claims 7 to 12 which are the same as, are shared with, or are similar to the features set forth in claims 1 and 2 and 4 to 6.

See item (2) above for an explanation of the decision regarding the features of claims 7 to 12 which are the same as, are shared with, or are similar to the features set forth in claim 3.

In general, when transmitting an image, the decision of what elements (for example, compression ratio, frame rate, screen size, image quality, and so on) on which to

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JF 02/11994

perform adaptive control is deemed to fall within the range of features fittingly determined at the discretion of a person skilled in the art.

Further, the decision as to which element(s) shall be given priority in terms of quantity/quality is merely a design feature fittingly determined at the discretion of a person skilled in the art upon consideration of such details as the purpose of the device or service.

In the light of the above, performing adaptive control as described in claims 7 to 12 falls within the range of features fittingly determined at the discretion of a person skilled in the art.